

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION-CINCINNATI

CLIFFORD STEVENS and CYNTHIA L.
STEVENS

PLAINTIFFS

v.

DAVIDSON LADDERS, INC., et al.

DEFENDANTS

CIVIL ACTION NO. C-1-00-901

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SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
CINCINNATI, OHIO

DEFENDANTS' MOTION FOR EXTENSION OF EXPERT DISCLOSURE DEADLINE

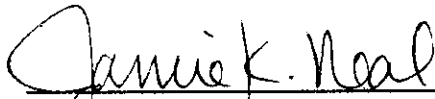
Defendants, Davidson Ladders, Inc., Davidson Ladders Tennessee, Inc., Davidson Manufacturing Corporation, Louisville Ladder Corporation, Louisville Ladder Group, LLC, Cuprum S.A. de C.V., and Emerson Electric Corporation, by counsel, move the court for a 30 day extension of the expert disclosure deadline. Pursuant to Fed. R. Civ. P. 26(a)(2)(C), the expert disclosure deadline is currently September 10, 2003. Trial is scheduled to begin on December 9, 2003. Defendants ask that the court extend the expert disclosure deadline to October 10, 2003.

This is a product liability case in which plaintiffs contend that one or more of the defendants negligently manufactured or designed a 32-foot aluminum extension ladder. Plaintiffs allege that one of the ladder's rung locks broke while Clifford Stevens was using the ladder.

Defendants have not been afforded the opportunity to adequately inspect and test the ladder in question. The ladder has been within the custody and control of plaintiffs, plaintiffs' counsel, or plaintiffs' consultants at all times since the accident. Plaintiffs proposed expert, N. Jayaraman, Ph.D., has examined the remaining piece of the broken rung lock with a Scanning

Electron Microscope (SEM) and with an Energy Dispersive Spectroscope (EDS). Defendants, however, have not had the opportunity to perform this type of examination and testing on the ladder or remaining rung lock piece. In addition, plaintiffs have not followed through on their agreement to provide high-quality copies of the SEM photographs relied on by Dr. Jayaram in reaching his opinions.

Defendants' experts need to examine and test the ladder in question and the materials relied on by Dr. Jayaraman before they can formulate their opinions and prepare the report required by Fed. R. Civ. P. 26(a)(2). Therefore, defendants ask that the court extend the expert disclosure deadline to October 10, 2003.



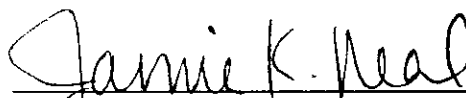
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by first class mail, postage prepaid, on this 29th day of August, 2003, upon:

Raymond Becker
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Cincinnati, Ohio 45202-1366



Counsel for Defendants

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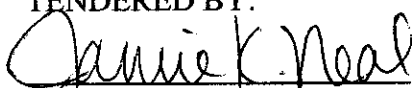
ORDER

Upon motion of defendant, Builders Square, Inc., and the court being sufficiently advised, the deadline for making expert disclosures as required by Fed. R. Civ. P. 26(a)(2) is extended to and including October 10, 2003.

JUDGE, U. S. DISTRICT COURT

DATE: _____

TENDERED BY:



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